

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00015-MOC

OSMAN WHITE,

Petitioner,

Vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the court on periodic docket review. Review of this civil action reveals that it is, in all material respects, duplicative of the first action petitioner filed, White v. United States, 3:15cv14. Petitioner has mistakenly filed two motions to vacate, apparently on the premise that he had been charged in two criminal actions, United States v. White, 3:11cr141 and United States v White, 3:12cr13. Those cases were, however, consolidated for sentencing, which resulted in one Judgment covering the conduct in both Indictments was entered. In White v. United States, 3:15cv14, petitioner has already unsuccessfully challenged that Judgment.

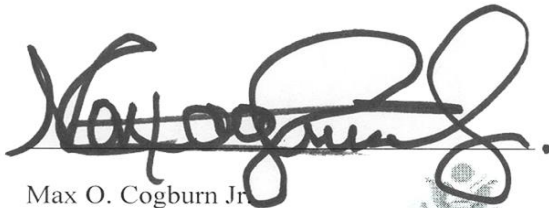
While 28 U.S.C. § 2255 allows a petitioner to seek collateral review of a Judgment, it does not provide for separate collateral review of each underlying case which has been consolidated for sentencing and Judgment. Indeed, Rule 2(d) of the Rules Governing Section 2255 Proceedings provides that a “moving party who seeks relief from more than one judgment must file a separate motion covering each judgment.” Fed. R. Governing § 2255 Proceedings 2(d). As there was only one sentencing and one Judgment, petitioner was limited to filing one motion seeking collateral review of that Judgment. See United States v. Sheneman, 2015 WL 2250247 (N.D.Ind. 2015). In

any event, the allegations and claims made by petitioner are, for all intents and purposes, identical in both Section 2255 petitions.

ORDER

IT IS, THEREFORE, ORDERED that petitioner's Motion to Vacate in this matter is **DISMISSED** as duplicative and is moot based on the resolution of petitioner's Motion to Vacate in White v. United States, 3:15cv14.

Signed: June 2, 2015



Max O. Cogburn Jr.
United States District Judge